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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 10/705,668 | |
| | Filing Date | November 10, 2003 | |
| | First Named Inventor | Nelson et al. | |
| | Group Art Unit | 1725 | |
| | Examiner Name | | |
| Total Number of Pages in This Submission (including this sheet) | 4 | Attorney Docket No. | 1219.BYU.CN |

| ENCLOSURES (check all that apply) | | | |
|---|---|--|---------|
| <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Appeal Communication: <input type="checkbox"/> Appeal Notice <input type="checkbox"/> Appeal Brief <input type="checkbox"/> Reply Brief <input type="checkbox"/> Assignment with Cover Sheet <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Check in the amount of \$ __ <input checked="" type="checkbox"/> Credit card authorization in the amount of \$ <u>1,230.00</u> <input type="checkbox"/> Declaration & Power of Attorney <input type="checkbox"/> Drawings __ sheets <input type="checkbox"/> Formal <input type="checkbox"/> Informal | <input type="checkbox"/> Extension of Time Request ____ month <input type="checkbox"/> Fee Calculation Table <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form 1449 <input type="checkbox"/> Copies of IDS References <input type="checkbox"/> Issue Fee Transmittal & Advance Order | <input type="checkbox"/> Maintenance Fee Transmittal ____ year <input type="checkbox"/> Missing Parts Response <input type="checkbox"/> Notification of Change of Attorney Address & Docket Number <input checked="" type="checkbox"/> Return Postcard <input type="checkbox"/> Revocation & Power of Attorney <input checked="" type="checkbox"/> Statement to Change Entity Status <input type="checkbox"/> Other: | |
| Remarks | | | |
| SIGNATURE OF APPLICANT, ATTORNEY OR AGENT | | | |
| Attorney for Applicant | David W. O'Bryant, Registration No. 39,793 MORRISS O'BRYANT COMPAGNI, P.C. 136 South Main Street, Suite 700 Salt Lake City, Utah 84101 (801) 478-0071 telephone; (801) 478-0076 facsimile | | |
| Signature | | Date | 4/28/04 |
| CERTIFICATE OF MAILING UNDER 37 CFR § 1.8 | | | |
| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, on the date indicated below, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. | | | |
| Typed or Printed Name | | David W. O'Bryant | |
| Signature | | Date | 4/28/04 |

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Nelson et al.
SERIAL NO.: 10/705,668
FILING DATE: November 10, 2003
TITLE: FRICTION STIR WELDING OF
METAL MATRIX COMPOSITES,
FERROUS ALLOYS, NON-
FERROUS ALLOYS, AND
SUPERALLOYS USING A
SUPERABRASIVE TOOL
ART UNIT: 1725
EXAMINER:
DOCKET NO.: 1219.BYU.CN

**CERTIFICATE OF MAILING
UNDER 37 C.F.R. § 1.8**

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indicated below and is addressed to
Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450.

David W. O'Bryant
David W. O'Bryant

4/28/04
Date of Deposit

STATEMENT TO CHANGE ENTITY STATUS UNDER 37 CFR § 1.28(C)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests that status of above-identified application be changed to non-small entity. The status as a small entity was established in good faith and fees as a small entity were paid in good faith without intent to deceive. Applicant later discovered that such status as small entity was established in error. Applicant encloses payment in the amount of \$1,230.00 to correct the deficiency between the fees paid (small entity) and the fees due (non-small entity). The amount of the deficiency is calculated below.

| Description | Amount Paid for small entity | Amount Required for Non-small Entity | Amount Due |
|---|------------------------------|--------------------------------------|------------|
| Continuation Patent Application Filing Fees | 385.00 | 770.00 | 385.00 |
| Claims in excess of twenty | 58 x 9.00 = 522.00 | 58 x 18.00 = 1,044.00 | 522.00 |

05/04/2004 3:00PM 10705668 00000009 10705668
01 FC:1001 770.00 DP
02 FC:1201 516.00 DP
03 FC:1202 1044.00 DP
04 FC:1051 130.00 DP

| | | | |
|---------------------------------------|------------------|------------------|------------|
| Independent Claims in excess of three | 6 x 43.00=258.00 | 6 x 86.00=516.00 | 258.00 |
| Late Oath or Declaration Surcharge | 65.00 | 130.00 | 65.00 |
| TOTAL | | | \$1,230.00 |

The Commissioner is hereby authorized to charge any deficiencies in fees or credit any overpayment in connection with this communication to Deposit Account No. 50-0881.

DATED this 28 day of April, 2004.

Respectfully submitted,



David W. O'Bryant
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